

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 9003 of the Fish and Game Code and to implement, interpret or make specific sections 9003 and 9008 of said Code, proposes to amend Section 180.2, Title 14, California Code of Regulations, relating to trap destruction devices.

### **Informative Digest/Policy Statement Overview**

Currently, all traps deployed by commercial fishermen licensed in the state of California must contain a trap destruction device. The devices approved for use by the Department are specified in Section 180.2, Title 14 CCR.

The California Department of Fish and Game is proposing:

- the clarification that Section 180.2, Title 14 CCR applies to all traps placed in ocean waters off the coast of California;
- the addition of language to stipulate that it is illegal to cause or otherwise defeat the intent of a trap destruct device;
- the addition of clarifying language that specifies that the escape opening of 5 inches in diameter is unobstructed;
- the addition of clarifying language for the destruct device in wire mesh Dungeness crab traps to allow for the protrusion of a single wire mesh into the escape opening to serve as an anchor for the destruct device attachment material;
- the elimination of a soft steel rod not greater than one quarter (.25) inch in diameter from the approved list of devices, and the addition of 14 gauge (.080, + or - .003 inch or smaller) metal hog rings not made of stainless steel or other non-corrosive material as an approved destruction device;
- the addition of clarifying language that specifies a single strand of untreated cotton twine size No. 120 or less in Dungeness crab traps, and untreated cotton twine size No. 21-thread or less in other traps;
- the addition of clarifying language that specifies that 24 gauge bare metal crimps shall be .028 + or - .003 inch or smaller; and
- the addition of clarifying language specifying that a single loop of untreated cotton twine size No. 120 or less may be used as destruct device material for attaching rubber door closing straps to metal or plastic clips.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Elihu Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, CA, on Friday, August 30, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 H Street, Suite 100, Crescent City, on Friday, October 21, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before October 25, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than October 25, 2002, at the hearing in Crescent City. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Eric Larson, Department of Fish and Game, (650) 631-6788, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/)

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed revision clarifies the original intent of the regulation regarding the requirement for all traps used for the commercial take of crab, lobster and spot prawn to contain a destruct device. The required destruct device disables a trap should it become lost at sea. Under normal circumstances a trap lost at sea is not retrievable. The economic impact to the industry and/or the individual fisherman is associated with the loss of the trap and not in compliance with the regulation. The proposed language specifies acceptable destruct device designs and materials, but does not change existing regulatory requirement for a destruct device. Compliance with the proposed regulation will alter existing operational practices for a small portion of the commercial trap fishermen and, therefore, does not pose a significant statewide adverse economic impact for the industry or associated businesses.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is aware that a representative private person or business could incur approximately \$140.00 annual cost impacts in reasonable compliance with the proposed action.

(d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the

Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy  
Assistant Executive Director

Date: August 27, 2002